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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,484	03/30/2001	Steve A. DeLuca	MSFT116242	1522
26389	7590	10/05/2005		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347				
			EXAMINER BAUTISTA, XIOMARA L	
			ART UNIT 2179	PAPER NUMBER

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/824,484

Applicant(s)

DELUCA ET AL.

Examiner

X L. Bautista

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 32-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-19 and 32-34 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-7, 9-11 and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by *Coelho et al* (US 6,128,016).

Claims 1, 7 and 32:

Coelho discloses a graphical user interface for managing server systems operation and performance. Coelho teaches a computing device interface for centrally controlling a plurality of networked computing devices (col. 2, lines 8-24). Coelho teaches displaying a set of graphical action icons for user selection that represent actions to be executed and a set of graphical computing device icons representative of networked computing devices (figs. 2-5). Coelho teaches selection of the icons representing devices and actions and instructing a device to execute the instructions represented by the device icon (col. 4, lines 60-67; col. 5, lines 1-11; col. 8, lines 53-67; col. 9, lines 1-31).

Claims 2-4, 33 and 34:

See claim 1. Coelho teaches a number of instructions corresponding to actions represented by icons wherein execution of respective instructions causes one or more devices to execute the instructions (col. 5, lines 54-64; col. 6, lines 53-67; tables I and II; col. 9, lines 1-31).

Claim 5:

Coelho teaches a control for modifying instructions (col. 2, lines 51-64; col. 10, lines 63-67; col. 11, lines 1-36).

Claim 6:

Coelho teaches action icons and a navigation model (template) for requesting

information, setting values, and managing (planning) devices (abstract; col. 8, lines 33-42; col. 10, lines 63-67; col. 11, lines 1-18).

Claim 9:

Coelho teaches a server computer (figs. 1a, 1b).

Claim 10:

Coelho teaches a software framework facility (col. 3, lines 35-41).

Claim 11:

Coelho teaches a processor, a memory and an operating environment (figs. 1-4).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 8 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Coelho* and *Collier et al* (US 5,815,152).**

Claim 8:

See claim 1. Coelho does not teach that action icons can assign a common

priority for a corresponding action to each computing device represented by the selected graphical computing device icon. However, Collier discloses a method for defining graphic rules, wherein routing objects on a condition leg can be an automated task or a parallel object. A parallel routing object is a collection of tasks, which can be performed concurrently. All tasks defined as part of the parallel routing object must be completed prior to the system routing the case to the next task defined in the process (col. 8, lines 4-25). Therefore, it would have been obvious to an artisan in the art at the time the invention was made to modify Coelho's system to include Collier's teaching of selecting a common priority (same time) to perform an action (task) for a group of objects (device icons) because it enables the user to determine what objects or group of objects will execute what action and synchronize the time of execution.

Claim 12:

See claim 8. Coelho does not teach displaying a group of icons as an action icon and a group of computing devices as a computing device icon on the display, and instructing each computing device represented by the computing device icon to execute the group of actions represented by the action icon. However, Collier teaches a condition leg, which may have a series of action objects (col. 7, lines 22-35). Collier teaches that the user may create multiple rules, which are represented by a single icon (col. 3, lines 42-54; col. 4, lines 55-67); can add more conditions to a

rule (col. 5, lines 17-34; col. 7, lines 7-8, 22-40).

Claim 13:

See claim 12. Collier teaches that an action object is an icon representing a specific action to be executed by the system. The user drags the action object off the toolbar to the condition leg and drops the action object on top of the condition leg (col. 7, lines 31-35).

Claims 14 and 15:

See claims 1 and 2. Coelho/Collier teaches instructions that correspond to groups of actions represented by action icons, wherein the archive file is a script file.

Claim 16:

See claim 12.

Claim 17:

Coelho teaches a mouse as a user interface selection device (fig. 2; col. 5, lines 54-59).

Claim 18:

See claim 9.

Claim 19:

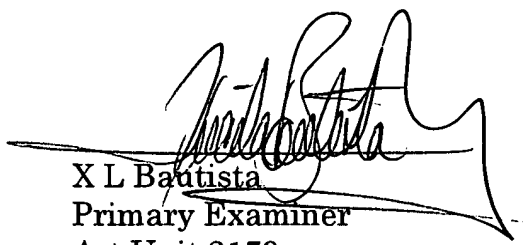
See claim 10.

*Conclusion*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L. Bautista whose telephone number is (571) 272-4132. The examiner can normally be reached on Monday-Thursday 8:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



X L Bautista  
Primary Examiner  
Art Unit 2179

xl  
September 30, 2005